

Sixth Appellate District

San Jose, California

MONDAY, APRIL 21, 2008

(no minute approved orders)

TUESDAY, APRIL 22, 2008

The following case is submitted this date:

H032452 PEOPLE v. MARQUEZ

H032137 In re ARISTA S., et al.; D.F.C.S. v. ALEX S.

H030110 SONNE v. SONNE

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H030965 MILLER v. CAMPBELL, Warburton, Fitzsimmons, et al.

Cause called and argued by Lisa Jeong Cummins appearing for Appellant and by Eric Haiman appearing for Respondent. Cause ordered submitted.

H030555 HWA WON LEE v. R & L Brosamer, Inc.

Cause called and argued by appellant Hwa Won Lee, appearing in propria persona. Counsel for respondent Jennifer Becker is not present. Cause ordered submitted.

H031129 OCEAN HARBOR v. CALIFORNIA COASTAL COMMISSION

Cause called and argued by Timothy Sandefur appearing for Appellant and by Christiana Tiedemann, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Josephene Michel, Deputy Clerk.

H030925 In re Marriage of Darcy

Cause called and argued by Bernard N. Wolf appearing for Appellant and by Robert A. Roth appearing for Respondent. Cause ordered submitted.

H031337 BRATCHER v. CITY OF SAN JOSE FEDERATED RETIREMENT SYSTEM

Cause called and argued by Douglas B. Allen appearing for Appellant and by Clifford S. Greenberg, Deputy City Attorney, appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, April 22, 2008 (continued)

H031824 Conservatorship of the Estate of JESS G. CABALLERO  
Family Trust

Cause called and argued by James Efting appearing for  
Appellant and by Eugene Flemate appearing for Respondents. Cause  
ordered submitted.

Court adjourns.

H031652 SOLARTE v. WASHINGTON MUTUAL BANK et al.

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Duffy, J.)  
Filed April 22, 2008

H031756 CORBALIS et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY;  
BERLINER COHEN et al.

The petition for writ of mandate, prohibition, or other  
appropriate relief is denied without prejudice to petitioners'  
opportunity to file a *Haskel* motion. The stay of trial court  
proceedings in the underlying matter is vacated. The parties  
will bear their own costs in this original proceeding. (not  
published)

(Premo, Acting P.J.; We concur: Elia, J., Duffy, J.)  
Filed April 22, 2008

H032137 In re ARISTA S., et al.; D.F.C.S. v. ALEX S.

The judgment is reversed. The juvenile court is directed to  
hold another dispositional hearing to consider and make findings  
under section 361.2, subdivision (a), in writing or on the  
record. The remittitur shall be issued forthwith. (not  
published)

(Premo, J.; We concur: Rushing, P.J., Mihara, J.)  
Filed April 22, 2008

H031826 PEOPLE v. GONZALEZ

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed April 22, 2008

H031300 PEOPLE v. BYRNES

The order revoking Proposition 36 probation and placing  
defendant on regular probation is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed April 22, 2008

Sixth Appellate District

San Jose, California

WEDNESDAY, APRIL 23, 2008

H031348 PEOPLE v. LITMON

The March 15, 2007 order imposing an indeterminate term of commitment as an SVP is reversed. Upon remand, the court is directed to dismiss the consolidated recommitment petitions that sought to extend appellant's commitment as an SVP until May 2, 2008. (published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 23, 2008

THURSDAY, APRIL 24, 2008

H031267 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed April 24, 2008

H031337 BRATCHER v. CITY OF SAN JOSE FEDERATED RETIREMENT SYSTEM, et al.

The order of January 18, 2007, denying the petition for writ of mandamus is affirmed. Costs on appeal are awarded to respondents. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed April 24, 2008

H030630 PEOPLE v. URIBE

The judgment is reversed and remanded for a new trial. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed April 24, 2008

H030248 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v. MISSION WEST SHORELINE, LLC

The judgment is reversed. Appellant shall recover its costs on appeal. (Code Civ. Proc., § 1268.720.) (not published)

(Bamattre-Manoukian, Acting P.J.; I concur: McAdams, J.; Concurring and dissenting opinion by Mihara, J.)

Filed April 24, 2008

H030890 FERRARO v. CAMARLINGHI et al.

The respondents' petition for rehearing is denied. (Filed modification of opinion with no change in the judgment.) (published)

(Rushing, P.J., We concur: Elia, J., McAdams, J.)

Filed April 24, 2008

Sixth Appellate District

San Jose, California

Thursday, April 24, 2008 (continued)

H032055 In re NADIA H. et al.; D.F.C.S. v. JORGE T.

The July 10, 2007 and September 5, 2007 orders are affirmed.  
(not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy,  
J.)

Filed April 24, 2008

H030206 FERRARO v. CAMARLINGHI, et al.

By the Court\*:

Respondents' petition for rehearing is denied.

Filed: April 24, 2008

\*Before Rushing, P.J., Elia, J. and McAdams, J.

FRIDAY, APRIL 25, 2008

The following cases are submitted this date:

H031609 PEOPLE v. HOWARD

H031651 PEOPLE v. SOQUE

H031321 PEOPLE v. DILLON

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,  
J.)

Filed April 25, 2008

H030551 PEOPLE v. SPILLMAN

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 25, 2008

H031568 PEOPLE v. TUBERA

The judgment is modified to strike the award of attorney  
fees and probation costs from the probation order; however, the  
order that defendant pay such probation costs is affirmed. As  
modified, the judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,  
J.)

Filed April 25, 2008

Sixth Appellate District

San Jose, California

Friday, April 25, 2008 (continued)

H032006 PEOPLE v. JOHNSON

The case is remanded to the trial court to amend the judgment, to delete that portion of the judgment (order granting probation) directing defendant to pay a probation supervision fee as a condition of probation; and to enter a separate order pursuant to section 1203.1b, directing the payment of such a fee. As modified, the judgment is affirmed. (not published)  
(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Elia, J.)  
Filed April 25, 2008

H030446 PEOPLE v. GONZALES

The judgment is reversed, and the matter is remanded for resentencing. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed April 25, 2008